



*CERTIFIED MAIL – RETURN RECEIPT REQUESTED*

June 19, 2019

Ms. Emma Best  
Muckrock News  
Dept. MR 73600  
411A Highland Avenue  
Somerville, MA 02144-2516

Re: FOIA Case No. 2019-FPRO-00968

Dear Ms. Best,

This is in response to your letter dated May 21, 2019, which was received by the Headquarters Requester Service Center on May 21, 2019, and was forwarded to this office on May 24, 2019. Your request was assigned case number 2019-FPRO-00968. In your letter, you requested the following records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552:

1. Documents generated as part of the creation of the FOIA office (defined as whatever department, office, or coordinator is responsible for overseeing and/or processing FOIA requests), whether this was at the time of the agency's creation or the passage of the Freedom of Information Act, to include:
  - a. The instruction to do so from the Agency, as well as any guidance from the senior leadership
  - b. Documents discussing proposals and procedures
  - c. Any legal guidance or analysis produced or acquired by the Agency in response to or as part of the creation of the FOIA office
  - d. Internal documents from the press office, legislative liaison's office (or equivalent), general counsel's office (or equivalent), director's office (or equivalent) or the newly created FOIA office, reacting to or characterizing the office and its creation
2. A copy of the agency's first perfected (successful) FOIA request
3. Copies of other FOIA requests filed before the FOIA request described above
4. Processing notes, search slips and response documents regarding the FOIA requests described above
5. The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA requests
6. A copy of the agency's first successful FOIA appeal
7. Copies of other FOIA appeals received by the agency before the appeal described above
8. Processing notes, search slips and response documents regarding the FOIA appeals described above
9. The first set of guidelines, instructions and/or forms created to control the agency's processing of FOIA appeals

Parts 1(c) and 6-9 were referred to this office for response.

Based on your description of records sought, a search was conducted of the files maintained by Postal Service Law Department. Given the probable age of the requested records, a search was also conducted of the historical documents maintained by the USPS Corporate Library.

This search located nine pages of responsive records. These documents comprise guidelines related to the processing of FOIA appeals, in response to part 5 of your request. In the interest of transparency, we are providing you with the first guidelines put in place by the United States Postal Service as well as the first set of guidelines that were promulgated by its predecessor, the Post Office Department, at the time that the FOIA was passed. These pages are released to you in their entirety.

This search did not locate records responsive to the other portions of your request that were referred to this office for response. Any legal advice related to the creation of the FOIA office would be roughly fifty years old and, if such records did exist, they would have been destroyed by this time, in accordance with record retention policies. Similarly, the first FOIA appeals would also date from nearly fifty years ago and would have been destroyed in accordance with postal retention policies.

If you are not satisfied with the response to this request, you may file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel U.S. Postal Service 475 L'Enfant Plaza SW Washington, DC 20260 or via email at [FOIAAppeal@usps.gov](mailto:FOIAAppeal@usps.gov). Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include, as applicable:

- (1) A copy of the request, of any notification of denial or other action, and of any other related correspondence;
- (2) The FOIA tracking number assigned to the request;
- (3) A statement of the action, or failure to act, from which the appeal is taken;
- (4) A statement identifying the specific redactions to responsive records that the requester is challenging;
- (5) A statement of the relief sought; and
- (6) A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact any of the following:

- FOIA Requester Service Center:

MANAGER, PRIVACY AND RECORDS OFFICE  
U.S. POSTAL SERVICE  
475 L'ENFANT PLAZA SW RM 1P830  
WASHINGTON, DC 20260-1101  
Phone: (202) 268-2608  
Fax: (202) 268-5353

- FOIA Public Liaison:

Name: Jane Eyre  
Phone: (202) 268-2608

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov), telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

For the General Counsel,

Attorney  
Federal Compliance

Enclosure

cc: FOIAAppeal@usps.gov

## Subchapter 110 INTRODUCTION

### Part 111

#### WHAT THIS CHAPTER COVERS

Chapter 1 provides the regulations of the Post Office Department to assist the users of its domestic services in obtaining the maximum benefits from its personnel and facilities. This chapter includes the specified rates for stamps and postage and restrictions governing their use, the particulars distinguishing the various classes of mail and conditions entitling the public to the privileges of those classes, the requirements for proper wrapping and mailing of matter to be mailed, an explanation of the collection and delivery services of the Department, and details of the special mail and nonmail facilities of the Department. Regulations which do not directly affect users of the mail, such as those dealing with mail transportation, are published in the *Federal Register*. The *Federal Register* contains additional regulations which are of little interest to the general mailing public, such as rules of procedure. Notwithstanding any statement contained in this chapter, the burden rests with the mailer to assure that he has complied with the laws enacted by Congress.

### Part 112

#### DOMESTIC MAIL SERVICE

Domestic mail means mail transmitted within, among and between the United States; its territories and possessions; Army-Air Force (APO) and Navy (FPO) post offices; also mail for delivery to the United Nations, N. Y. The term *territories and possessions* includes:

Baker Island	Kingman Reef	Saint Thomas Island
Canal Zone <sup>1</sup>	Manua Island	Samoa (American)
Canton Island	Mariana Islands	Sand Island
Caroline Islands	Marshall Islands	Swain's Island
Enderbury Island	Midway Islands	Swan Islands
Guam	Navassa Island	Trust Territory of the Pacific
Howland Island	Puerto Rico	Virgin Islands (U. S.)
Jarvis Island	Saint Croix Island	Wake Island
Johnston Island	Saint John Island	

<sup>1</sup> See sections 125.74 and 131.235b.

### Part 113

#### INFORMATION ON POSTAL SERVICE AND RECORDS RELATING TO OPERATION OF THE DEPARTMENT

##### 113.1 INQUIRIES

###### .11 MAIL AND OTHER LOCAL SERVICES

Make inquiries regarding mail and other post office services to local postmasters.

###### .12 DEPARTMENTAL RECORDS, DOCUMENTS AND OTHER DATA

a. This Part contains information as to the availability of, and the procedures to be followed by persons outside the Federal government to inspect and

copy the various records and data concerning operation of the Department. Make further inquiries regarding availability or location of Department records, administrative manuals and other documents to the head of the office at which the record is maintained, if known. In other cases, inquiries may be made to the local postmasters, regional directors, directors, postal data centers, or the Special Assistant to the Postmaster General for Public Information, Post Office Department, Washington, D.C. 20260.

- b. Parties in litigation or adversary proceedings with the Department in any Federal or State court, Federal board or commission will be furnished Department records, documents and other data, excluding postal inspectors' reports and Postal Inspection Service records, only as provided by the rules or Orders of such courts, boards or commissions. Postal inspectors' reports and postal Inspection Service records will be disclosed only if prior approval for such disclosure is obtained from Headquarters, Post Office Department, Washington, D.C. 20260 or in response to an Order issued by a judge of a Federal court.

#### .13 OFFICE, BUSINESS HOURS

Records may be inspected during regular business hours Monday through Friday (exclusive of legal holidays) and only at those postal installations where they are maintained, unless otherwise specifically authorized. However, the public will not be permitted to inspect records at the Postal Data Centers. Records which are maintained at the Postal Data Centers may, if made available, be inspected at the regional office designated by the Director of the Postal Data Center.

#### .14 DEFINITIONS

The following terms as used herein shall mean:

- a. "Department"—Post Office Department Headquarters, Washington, D.C. 20260, regional offices, postal data centers, all post offices and other postal installations.
- b. "Records"—Includes prior and contemporaneous books, papers, reports, maps, photographs, forms or other documentary materials, regardless of physical form or characteristics, made or received by the Department in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by the Department or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the Government or because of the informational value of data contained therein. Library or museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in this regulation.
- c. "Opinions and Orders"—Final Opinions (including concurring and dissenting Opinions) and Orders rendered by the Postmaster General, the Judicial Officer, Board of Contract Appeals, or other board or official acting on behalf of the Postmaster General in any particular matter.

#### .15 EXEMPTIONS

The following classes of records may be withheld from inspection or copying. Records which are:

- a. Specifically required by Executive order to be kept secret in the interest of national defense or foreign policy. For example, the actual geographical location of Army Post Office addresses when classified in the interest of national defense.
- b. Related solely to the internal personnel rules and practices of the Department.

ment. For example, operating rules, guidelines and manuals of procedure for postal inspectors.

- c. Specifically exempted from disclosure by statute. For example, contents of first-class mail, section 4057, Title 39 U.S. Code.
- d. Trade secrets and commercial or financial information and other privileged or confidential information obtained from any person. For example, identity of post office box holders; or confidential financial or proprietary data furnished by a prospective contractor during negotiations for a contract.
- e. Interagency or intraagency memoranda or letters which would not be available by law to a private party in litigation with the Department. For example, internal drafts and memoranda between officials of the Department and legal memoranda from the General Counsel or Regional Counsel to a Departmental official.
- f. Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. For example, official personnel folders, medical reports and Bureau of Employee Compensation case files, and disciplinary files.
- g. Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party. For example, inspection service reports in depredation or similar matters.
- h. The names, addresses and telephone numbers of post office box holders shall not be disclosed except to a recognized law enforcement agency or in compliance with a subpoena or court order issued after the litigant has made a showing of special need.
- i. Records and related data pertaining to methods of handling valuable registered mail.
- j. Data concerning postage meters and prototypes submitted for Department approval prior to leasing to mailers.
- k. Records of postal savings accounts, except as provided in section 173.3. However, names of depositors may be disclosed.
- l. Records of money orders, except as provided in section 171.4.
- m. These regulations do not require the Department to make available records which would disrupt the work of the Department.

However, for good cause shown, the General Counsel, after consultation with the head of the cognizant Bureau or office which has custody and control of the record involved, may permit disclosure of such record, except as may be prohibited by law, executive order or regulation of another Federal agency which is charged with the responsibility for the maintenance and control of such record.

### 113.2 OPINIONS, ORDERS, ADMINISTRATIVE MANUALS AND INSTRUCTIONS TO STAFF

#### .21 OPINIONS

All final opinions (including concurring and dissenting opinions) and orders made in the adjudication of cases involving contract appeals under contract with this Department, fraud orders, mailability matters, revocation or denial of second-class mailing privileges, disbarment proceedings, proceedings under Executive Order 11246 (Equal Employment Opportunity), and other matter except in cases or classes of cases which are not required to be made public, are on file and available for inspection and copying in the Library, Room 6012, Post Office Department Building, Washington, D.C. 20260, unless otherwise specified.

#### .22 ADMINISTRATIVE MANUALS AND INSTRUCTIONS TO STAFF

Section 114.2 of the Postal Manual identifies and describes the various manuals, instructions and other publications and issuances of the Department.

**113.23 Introduction: Information on Postal Service and Records  
Relating to Operation of the Department**

ment and indicates how, where and if they may be obtained. Those which are listed, but not available for sale, may be inspected in the Library, Room 6012, Post Office Department Building, Washington, D.C. 20260. If copies are desired, they may be obtained by payment therefor in accordance with the schedule of fees in section 113.5.

**.23 LIMITATION**

If it is determined that disclosure of any of the matters in sections 113.21 and 113.22 would constitute an unwarranted invasion of personal privacy, the appropriate official may delete identifying details therefrom either when it is disclosed for inspection or published.

**.24 PUBLIC INDEX**

- a. The Department Library maintains a public index which identifies information as to all final opinions and orders made in the adjudication of cases; Department policy statements and interpretations not published in the Federal Register; and administrative staff manuals and instructions to staff that affect any member of the public.
- b. The index will contain matters issued only after July 4, 1967. However, the Department in its discretion may thereafter include matters which may have occurred prior to July 4, 1967.
- c. The public index may be inspected and copies may be purchased from the Department Library General Reference Section, Room 6012, Post Office Department Building, Washington, D.C. 20260 in accordance with the schedule of fees in section 113.5.
- d. The index shall not contain any matter which the General Counsel has determined should not be disclosed under these regulations.

**.25 PUBLIC AVAILABILITY OF MATTERS IN THE PUBLIC INDEX**

Any matter which is listed in the public index is available to the public subject to the limitation in section 113.23.

- a. Any person may make arrangements for the inspection of any matter which is listed in the public index in accordance with the procedures hereinafter specified.
- b. Copies of the public index, and to the extent practicable, copies of matters listed in the public index will be provided upon request and payment therefor in accordance with the schedule of fees in section 113.5.

**113.3 AVAILABILITY OF OTHER MATTERS**

**.31 RECORDS COVERED BY THIS SECTION**

.311 This section covers all records which are not covered by section 113.2 and which are not of the kind listed in section 113.15.

.312 The best guide to the location of any matter covered by this section is chapter 8 of the Postal Manual which contains a description of departmental organization and of the function of the Bureaus and offices at Headquarters, regional offices, postal data centers and post offices. Because of the manifold variety of records and the large number of separate postal facilities, it is impractical to prepare an itemized directory of matters covered by this section. (See sec. 113.12 for further information.)

.313 Change of address of a postal patron may be furnished upon request in accordance with section 113.32 and upon payment of the fee set forth in the schedule of fees in section 113.5.

**.32 PROCEDURE**

All records covered by this section may be made available pursuant to the following procedures:

**Introduction: Information on Postal Service and Records  
Relating to Operation of the Department**

113.511

- a. Submit a written request to the local postmaster, or if known, to the head of the installation at which the record is maintained, identifying the material sought by name, subject matter or number, regardless of whether the request is for inspection or copy only. If the request is for inspection, it shall also include a statement that the private party inspecting the record shall not make, alter or falsify a record, conceal, destroy, mutilate or remove any record or part thereof under penalty of law (18 U.S. Code 494 and 2071).
- b. Installations receiving requests which describe records located elsewhere in the Department or at another agency of the Federal government will forward the request to the appropriate office.
- c. Installations receiving requests for inspection or copy which do not contain sufficient information to identify the record will answer the request as soon as possible. The answer will state that the installation is unable to identify the record from the information in the request, or if possible, what additional information would be necessary in order to identify the record requested or that there is no known record containing the information requested and that the Department will not compile data or otherwise create any record except when it is in the furtherance of Post Office Department business.
- d. Installations receiving requests for inspection or copies of records in their custody will answer the requests as soon as possible. The answer will state:
  - (1) whether the record or copy can be made available and, if not, the reason therefor.
  - (2) the fees, if any, for retrieval of the record and any copies requested, which must be paid in advance.
  - (3) when the record will be available for inspection (unless purchase of copy only is requested).
  - (4) the place the record will be made available for inspection.
- e. Inspection and copying shall be monitored by a postal employee.

**113.4 DENIALS AND APPEAL PROCEDURE**

**.41 DENIALS**

If a request to inspect or copy a record is denied by the organizational segment of the Department to which the request is made, or in which the records are maintained, the private party may appeal such a denial to the General Counsel, Post Office Department, Washington, D.C. 20260. The General Counsel's decision shall constitute the final decision of the Department on the legal right to inspect or copy a record. The notice of denial shall advise the requesting party of his right to appeal to the General Counsel.

**.42 APPEAL PROCEDURE**

The appeal to the General Counsel shall be submitted in writing within 10 days from the date of denial. The letter of appeal shall include:

- a. Complete identification of the material to which access was denied.
- b. A copy of the request and any related correspondence.
- c. The date of denial and a copy thereof.

The General Counsel's decision shall be made as soon as possible.

**113.5 SCHEDULE OF FEES**

**.51 RECORD RETRIEVAL**

.511 For identifiable computer data the minimum charge is \$120 for the first hour or any portion thereof and \$30 for each 15 minutes or portion thereof in excess of the first hour.

.512 For other identifiable records the minimum charge is \$8 for the first hour or any portion thereof and \$2 for each 15 minutes or portion thereof in excess of the first hour.

#### .52 REPRODUCTION

.521 For each copy of an identifiable page of any record, publication, etc. available under these regulations, the charge shall be \$0.25 per page. There shall be a minimum charge of \$1 for any record reproduction regardless of number of pages requested.

.522 The Department reserves the right to make available coin operated copy machines at any given location. In such event, the party desiring copies will make the copies.

.523 The Department is not required nor shall it furnish more than one copy of any record, publication, etc.

#### .53 CHANGE OF ADDRESS RECORD

The fee for furnishing the last recorded change of address, is \$1 per change of address, except as may be otherwise provided.

#### .54 WAIVER OF FEES

If it is determined to be in the interest of and for the convenience of the Department to furnish a copy of any particular record, publication, etc., except a copy of a change of address or information in connection therewith, only the Bureau, office or installation head having jurisdiction over such record may waive the fees set out in sections 113.51 and 113.52. In addition the General Counsel may, for good cause shown, permit waiver of said fees.

### 113.6 COMPLIANCE WITH SUBPENAS DUCES TECUM AND SUMMONSES

#### .61 COMPLIANCE WITH SUBPENA DUCES TECUM

.611 Time, leave and payroll records of postal employees are subject to production when a subpoena duces tecum has been served. Authority is hereby delegated to Regional Directors, Postal Data Center Directors, and in those regions which have regional counsels, to the regional counsels to authorize the production of time, leave and payroll records in response to a properly served subpoena duces tecum. The custodian of the records may designate a postmaster, postal inspector, or other postal official conveniently located to the court to present the records. The presentation by such a designee must meet with the approval of the attorneys for each side.

.612 If the subpoena calls for employee records involving a job-connected injury, the records are under the exclusive jurisdiction of the Bureau of Employees' Compensation, Department of Labor. Such records may not be produced without the prior consent of that Department. Requests for authorization for the production of these records shall be addressed to: Bureau of Employees' Compensation, U.S. Department of Labor, Washington, D.C. 20210.

.613 If the subpoena calls for employee medical records, they may not be released except as stated herein. These records are primarily under the exclusive jurisdiction of the United States Civil Service Commission. The Civil Service Commission has delegated authority to this Department and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria which have been prescribed to adequately safeguard the interests of the Government and the employee:

- a. Except in response to a subpoena, no medical information about an employee will be released to any non-Federal entity or individual without authorization from the employee.
- b. With authorization from the employee, this Department's Regional Direc-

tors, Postal Data Center Directors, or regional counsels will respond as follows to a request from a non-Federal source for medical information:

- (1) If in the opinion of a Federal Medical Officer the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director, Postal Data Center Director, or regional counsel will not release the medical information to the employee or to any individual designated by him, except to a physician, or Postal Data Center Director designated by the employee in writing. The Regional Director, or regional counsel will release such medical information, with a caution against divulgence, in response to a subpoena.
- (2) If in the opinion of a Federal Medical Officer the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director, Postal Data Center Director, or regional counsel will release it in response to a subpoena or to the employee or to any person, firm, or organization he authorizes in writing to have it.
- (3) If a Federal Medical Officer is not available, the Regional Director, Postal Data Center Director, or regional counsel should refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

.614 In no event will any records containing information as to the employee's security and loyalty be released.

.615 Subpenas calling for the production of records may be honored only when disclosure is authorized by these regulations.

.616 When employees are authorized to comply with a subpoena duces tecum, they will not leave the records themselves with the court, but will leave copies prepared for that purpose. Comply with section 721.643 in those cases in which the United States is not a party.

#### .62 COMPLIANCE WITH SUMMONS

.621 A postmaster or other postal employee will comply with a summons requiring his appearance in court. He will not testify as to any matters exempted under 113.15.

.622 Postal inspectors and other employees having possession of inspectors' reports or Inspection Service records are prohibited from presenting such reports or records in either State or Federal courts in which the United States is not a party in interest, unless authorized by the Department. (See sec. 113.12b.) Should an attempt be made to compel production of exempted matter (see sec. 113.15), the inspector or employee will decline to produce the information or matter, and state it is exempted and cannot be disclosed or produced without specific approval of the Department. The Department will offer every possible assistance to the courts, but the question of disclosing exempted information is a matter entirely at the discretion of the head of the Department.

### 113.7 MAIL COVERS

Authority to order a mail cover is restricted to the Chief Postal Inspector or your postal inspector in charge. Upon request of either of these officials, furnish them with information regarding the address, return address or postmarks on mail. When specifically requested by the Chief Postal Inspector or your inspector in charge furnish such information to a designated postal inspector. Do not give such information to anyone else. Requests for mail covers shall be treated confidentially and there shall be strict compliance with the instructions outlined in the request. (See part 861.)

## Subchapter 260 RELEASE OF INFORMATION

### Part 261

## PUBLIC INFORMATION ON POSTAL SERVICE AND RECORDS

### 261.1 POLICY

It is the policy of the Postal Service to make its records available to the public to the maximum extent consistent with the public interest and the rights of individuals. This policy requires a practice of full disclosure subject only to the specific exemptions and principles authorized by 5 U.S.C. 552(b).

### 261.2 AVAILABILITY OF RECORDS

#### .21 INQUIRIES

Inquiries regarding availability or location of Postal Service records, administrative manuals and other documents should be made to the head of the office at which the record is maintained, if known. In other cases, inquiries may be made to the local postmasters, Regional Directors, Directors, Postal Data Centers, or the Special Assistant to the Postmaster General for Public Information, U.S. Postal Service, Washington, DC 20260.

#### .22 OFFICE, BUSINESS HOURS

Records may be inspected during regular business hours Monday through Friday (exclusive of legal holidays) and only at those postal installations where they are maintained, unless otherwise specifically authorized. Exception: the public will not be permitted to inspect records at the postal data centers. Records maintained at the postal data centers may, if made available, be inspected at the regional office designated by the Director, Postal Data Center.

#### .23 EXEMPTIONS

The following classes of identifiable records may be withheld from inspection or copying. Records which are:

- Specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy.
- Related solely to the internal personnel rules and practices of the Postal Service, for example, operating rules, guidelines and manuals of procedure for postal inspectors.
- Specifically exempted from disclosure by statute. For example, contents of first-class mail.
- Trade secrets and commercial or financial information and other privileged or confidential information obtained from any person, for example, confidential, financial or proprietary data furnished by a prospective contractor during negotiations for a contract or to comply with a specification of an invitation for bids or a request for proposal.
- Interagency or internal memoranda or letters which would not be available by law to a private party in litigation with the Postal Service. For example, internal drafts and memoranda between officials of the Postal Service and

legal memoranda from the General Counsel or Regional Counsel to postal officials. Civil Service Commission inspection reports or excerpts therefrom are internal memoranda.

- f. Personal in nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy or which is precluded by regulations of the Civil Service Commission or the Department of Labor. For example, official personnel folders, medical reports, Bureau of Employee Compensation case files, disciplinary files, and employee home addresses.
- g. Investigatory files compiled for law enforcement purposes except to the extent available by law to a private party, for example, inspection service reports.
- h. The names, addresses, and telephone numbers of post office box holders shall not be disclosed except to a recognized law enforcement agency or in compliance with a subpoena or court order. *However, such information may be disclosed in the following manner with respect to any post office box being used for the purpose of doing or soliciting business with the public. When the business name, address and telephone number is shown on the Application for Post Office Box, Form 1093, the postmaster may provide this information. When Form 1093 does not disclose whether a business is involved or when there is doubt, the postmaster shall refer all disclosure requests to the regional counsel for decision.*
- i. Data pertaining to methods of handling valuable registered mail.
- j. Technical data concerning postage meters and prototypes submitted for Postal Service approval prior to leasing to mailers.
- k. Records of money orders, except as provided in Chapter 1.

#### 262.24 WAIVER OF EXEMPTION

A waiver of exemption is usually granted by the General Counsel:

- a. When good cause is shown, except as may be prohibited by law, Executive Order or regulation of another Federal agency which is charged with the responsibility for the maintenance and control of such record; or
- b. When disclosure is not inconsistent with statutory or regulatory prohibitions; or
- c. When no significant purpose is served by withholding the information.

## Part 262

# OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF

### 262.1 OPINIONS

All final opinions and orders made in the adjudication of cases involving contract appeals, fraud orders, mailability matters, revocation or denial of second-class mailing privileges, disbarment proceedings, proceedings under Executive Order 11246 (Equal Employment Opportunity), and other matter except in cases or classes of cases which are not required to be made public, are on file and available for inspection and copying in the Library, Room 6012, U.S. Postal Service, Washington, DC 20260, unless otherwise specified.

### 262.2 ADMINISTRATIVE MANUALS AND INSTRUCTIONS TO STAFF

*Supply Catalog*, Publication 24, identifies those manuals, instructions, and other publications and issuances that are used by post offices and indicates how, where, and if they may be obtained. Those which are not listed for sale

and are available to the public under the Freedom of Information Act may be inspected in the Library, Room 6012, U.S. Postal Service, Washington, DC 20260. Copies may be obtained by paying a fee in accordance with section 262.7, unless specifically stated that they are available free of charge or the cognizant bureau, office or installation head waives the fee. See 262.74.

### 262.3 PUBLIC INDEX

#### 31 GENERAL

311 Headquarters Library maintains a public index of all final opinions and orders made in the adjudication of cases, Headquarters policy statements and interpretations not published in the Federal Register, and administrative staff manuals and instructions that affect the public.

312 The index does not contain any material which the General Counsel exempts from disclosure.

313 The index mainly contains matters issued after July 4, 1967. However, the Postal Service may include prior matters.

#### 32 PUBLIC AVAILABILITY OF MATERIALS

321 Any matter in the public index is available to the public subject to the limitation in section 262.5.

322 Any person may arrange for the inspection of any matter in the public index in accordance with the procedures of section 262.6.

323 Copies of the public index and of matters listed in the public index may be purchased from Headquarters Library, General Reference Section, Room 6012, U.S. Postal Service, Washington, DC 20260 in accordance with the schedule of fees in section 262.7.

### 262.4 OTHER MATTERS

#### 41 RECORDS

Includes all records not previously mentioned and not listed in section 261.23. The term *records* does not include articles such as furniture, paintings, models, vehicles, equipment, etc., whatever their value as evidence.

#### 42 ORGANIZATIONAL STATEMENTS

See subchapter 220 of the Postal Service Manual for a description of organizational and functional matters.

#### 43 ADDRESSES OF PROSPECTIVE JURORS

Honor requests from the Administrative Office of the United States Courts, including judges, clerks and other court officials, relating to addresses of prospective jurors, if known. Do not disclose residential addresses of lock box holders except in accordance with section 261.23h.

#### 44 CHANGE OF ADDRESS

441 Furnish the change of address of a postal customer upon request in accordance with section 262.5 and upon payment of fee stated in section 262.7.

442 Furnish the recorded post office box address of a customer whose mail is redirected to a post office box. This information is not exempt under section 261.23h.

443 Direct requests for change of address information of civilian or military personnel stationed at any APO or FPO to the respective military establishment.

Chapter  
3

262.5

- a. If Army:  
Office of the Adjutant General  
THE PENTAGON  
Washington, DC 20310
- b. If Navy:  
Navy Directory Unit  
c/o Chief of Naval Personnel  
Washington, DC 20370
- c. If Air Force:  
Director, Administrative Services  
HQ, Department of Air Force  
THE PENTAGON  
Washington, DC 20330

## 262.5 PROTECTION OF RIGHT OF PRIVACY

If the release of the name or other identifying details of or concerning a private party would constitute an unwarranted invasion of personal privacy, any record required to be disclosed will be published or made available with such identifying details deleted and with a notice thereon such as: *Names of parties and other identifying details have been removed to prevent an unwarranted invasion of the personal privacy of the individuals involved.*

## 262.6 PROCEDURE FOR INSPECTION

### .61 GENERAL

To inspect or copy records follow these procedures:

- a. Submit a written request to the local postmaster, or if known, to the head of the installation at which the record is maintained, identifying the material by name, subject matter or number. If the request is for inspection, include a statement that the private party inspecting the record will not make, alter or falsify a record, conceal, destroy, mutilate or remove any record or part thereof under penalty of law (18 U.S. Code 494 and 2071).
- b. Forward requests which describe records located elsewhere to the appropriate office or agency and send the requestor a copy of such referral.
- c. Inform requestors immediately when the information provided is insufficient to identify the record and, if possible, of the necessary additional information required.
- d. Responses to requests for inspection or copies of records will include:
  - (1) Whether the record or copy is available and, if not, why.
  - (2) The fees, if any, for retrieval of the record and any copies requested, which must be paid in advance.
  - (3) When the record is available for inspection (unless purchase of copy only is requested).
  - (4) The place the record is available for inspection.
- e. Monitor the inspection and copying.

### .62 DENIALS

If a request to inspect or copy a record is denied, the requestor may appeal to the General Counsel, U.S. Postal Service, Washington, DC 20260. The notice of denial shall advise the requesting party of his right to appeal to the General Counsel. The decision of the General Counsel or his designee shall be made promptly and shall constitute the final decision of the Postal Service on the legal right to inspect or copy a record. In those cases in which the General Counsel or his designee makes the initial decision upon a request, such decision shall likewise constitute the final decision.

### .63 APPEAL PROCEDURE

Submit the appeal to the General Counsel in writing within 10 days from the date of denial. The letter of appeal shall include:

- a. Complete identification of the material to which access was denied.
- b. A copy of the request and any related correspondence.
- c. The date of denial and a copy thereof.

## 262.7 SCHEDULE OF FEES

### .71 RECORD RETRIEVAL

.711 For computer data, the minimum charge is \$120 for the first hour or any portion thereof and \$30 for each 15 minutes or portion thereof in excess of the first hour.

.712 For other records, charge a minimum of \$8 for the first hour or any portion thereof and \$2 for each 15 minutes or portion thereof in excess of the first hour.

.713 Do not charge the fee in 262.712 for the first 4 man-hours expended in compiling and furnishing information manually (not by computer) concerning employees to postal employee organizations.

### .72 REPRODUCTION

.721 For each copy of a page of any record, publication, etc., charge \$.25 per page. Charge (a minimum) of \$1 for any record reproduction regardless of number of pages requested.

.722 The Postal Service reserves the right to make available coin operated copy machines at any given location. In such event, the party desiring copies will make the copies at his own expense.

.723 The Postal Service is not required to furnish more than one copy of any record, publication, etc.

### .73 CHANGE OF ADDRESS RECORD

The fee for searching or furnishing the last recorded change of address is \$1 per change of address, except as provided in Chapter 1. The \$1 charge is not refundable.

### .74 WAIVER OF FEES

.741 The fees set forth in sections 262.71 and 262.72 may be waived in the interest of the Postal Service.

.742 Specifically, the fee for change of address information is waived for:

- a. Telegraph companies when the sender of the telegram is the U.S. Government;
- b. Federal, State, and local public health officials when the persons being sought are infected with or were exposed to contagious diseases;
- c. Federal, State, and local law enforcement officials, upon certification that the change of address is required for law enforcement purposes (see 261.23h), and
- d. Federal agencies, upon certification that the change of address is required for official business and all other known sources for obtaining the change of addresses have been exhausted.

### .75 ACCOUNTING FOR FEES

.751 Deposit fees received as postal funds. Record the amounts collected as write-in entries to A/C 49299, Reimbursements—Miscellaneous, in the cashbook and statement of account. Record the manner paid, the amount

received, and the number of hours used to compile lists or prepare copies of other records released on the request for this information. Attach written replies to the customer's request stating the number of hours required to prepare information and the amount to be charged in lieu of the above notation. File materials chronologically.

.752 Forward fees received for information furnished by postal data centers, automatic data processing centers (ADPC), and regional offices to the disbursing officer at the appropriate postal data center for deposit, specifying the proper account number to be used for recording the amounts collected. Postal data centers, ADPC's, and Headquarters offices providing record retrieval as described in section 262.711 will enter five-sixths of the fee received in A/C 49579, Reimbursements to Facilities Appropriation—Miscellaneous. Enter the remaining one-sixth of the fee, plus the fees covered in sections 262.712, 262.72 and 262.73 in A/C 49199, Reimbursements to Administration and Regional Operations Appropriation—Miscellaneous; ADPC complexes will enter in A/C 49299, Reimbursements to Operations Appropriation—Other than U.S. Government Agencies. Other installations will enter all fees deposited in A/C 49199.

## 262.8 COMPLIANCE WITH SUBPOENA DUCES TECUM COURT ORDERS AND SUMMONSES

### .81 COMPLIANCE WITH SUBPOENA DUCES TECUM

.811 Except as required by part 262, produce other records of the Postal Service only in compliance with a subpoena duces tecum or appropriate court order.

.812 Time, leave and payroll records of postal employees are subject to production when a subpoena duces tecum or appropriate court order has been properly served. The custodian of the records may designate a postal employee to present the records. The presentation by a designee rather than the employee named in the subpoena or court order must meet with the approval of the attorneys for each side. In addition, such records may be released if authorized in writing by the employee.

.813 If the subpoena involves a job-connected injury, the records are under the exclusive jurisdiction of the Bureau of Employees' Compensation, Department of Labor. Requests for authorization to produce these records shall be addressed to: Bureau of Employees' Compensation, U.S. Department of Labor, Washington, DC 20210. Also notify the attorney responsible for the issuance of the subpoena or court order.

.814 Employee medical records are primarily under the exclusive jurisdiction of the United States Civil Service Commission. The Commission has delegated authority to the Postal Service and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria:

- a. Except in response to a subpoena or court order, do not release any medical information about an employee to any non-Federal entity or individual without authorization from the employee.
- b. With authorization from the employee, the Regional Directors, Postal Data Center Directors, or regional counsels will respond as follows to a request from a non-Federal source for medical information:

- (1) If, in the opinion of a Federal medical officer, the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, do not release the medical information to the

employee or to any individual designated by him, except to a physician, designated by the employee in writing. If a subpoena or court order was issued, the responding official shall caution the moving party as to the possible dangers involved if the medical information is divulged.

- (2) If, in the opinion of a Federal medical officer, the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person of the exact nature and probable outcome of his condition, release it in response to a subpoena or court order, or to the employee or to any person, firm, or organization he authorizes in writing.
- (3) If a Federal medical officer is not available, refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

.815 Do not release any records containing information as to the employee's security or loyalty.

.816 Honor subpoenas or court orders only when disclosure is authorized.

.817 When authorized to comply with a subpoena duces tecum, do not leave the original records with the court.

### .82 COMPLIANCE WITH SUMMONS

.821 Comply with a summons requiring an appearance in court. Do not testify as to any matters for which an exemption under 261.23 may be claimed. Call the Assistant General Counsel, Opinions Division, Office of the General Counsel, at Headquarters, for instructions relating to exemptions.

.822 Do not present inspectors' reports or Inspection Service records in either State or Federal courts in which the United States is not a party in interest, unless authorized by Headquarters. If an attempt is made to compel the production of matters, decline to produce the information or matter, and state it may be exempted and cannot be disclosed or produced without specific approval of Headquarters. The Postal Service will offer every possible assistance to the courts, but the question of disclosing information for which an exemption may be claimed is a matter of discretion.

## Part 263

## EMPLOYEE INFORMATION

### 263.1 POLICY

.11 Prospective employers of a postal employee or a former postal employee may be furnished: (1) tenure of employment; (2) Civil Service status; (3) length of service in the Postal Service and the Federal Government; and (4) when separated, the date and reason for separation. Release Standard Form 50, employee names, past and present, position titles, grades, salaries, and duty stations (which include the room number, shop designations, or other identifying information regarding the building or place of employment) in response to requests unless:

- a. The release is prohibited under law or executive order or in the interest of national defense or foreign policy.
- b. The information is sought for purposes of commercial or other solicitation.
- c. There is reason to believe that the names would be used for purposes which may violate the political activity prohibitions in Subchapter III of Chapter 73 of Title 5, U.S. Code, or which may violate other law.

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.12 Release the home address of an employee to a police or court official on receipt of a proper request stating that an indictment has been returned against the employee or that a complaint, information, accusation, or other writ involving non-support or a criminal offense, has been filed against him and his address is needed for service of a summons, warrant, subpoena, or other legal process. Disclose social security numbers and place of actual residence to a State or local taxing authority or both, as provided in Bureau of the Budget Circular No. A-38, revised.

.13 Except as provided in sections 263.11 and .12, information required to be included in an official personnel folder by the instructions of the Civil Service Commission is not available to the public.

.14 The Commission or other Government agency will disclose to the parties concerned any report of investigation under its control, or an extract of the report, to the extent the report is involved in a proceeding under Part 352, 353, 771, or 772 of the Civil Service Commission regulations and the report of investigation or the written summary thereof in a proceeding under Part 713 of the Civil Service Commission regulations, except when the disclosure would violate the proscription against the disclosure of medical information in section 794.401 of the Civil Service Commission regulations. For the purpose of this paragraph, the "parties concerned" means the Government employee or former Government employee involved in the proceeding, his representative designated in writing, and the representative of the agency involved in the proceeding.

.15 Do not disclose any report of the investigation, or an extract of the report in any proceeding if it would violate a pledge of confidence.

.16 Do not make a report of investigation or information from a report available to the public, to witnesses, or, except as provided in section 263.15, to the parties concerned in the investigation.

### 263.2 FEES

Notwithstanding the schedule of fees in 262.7, employee information may be furnished to employee organizations without charge if the labor involved in the manual preparation of the list at the concerned installation does not require more than 4 man-hours. If more than 4 man-hours are required, the fee set forth in 262.7 is for application to all time expended beyond the first 4 man-hours in preparing the information manually. The fee in 262.7 is for application if the postal data center compiles the data by computer. In the discretion of the installation head, he may expend time in excess of 4 man-hours to prepare the information manually and apply the proper fee for such excess, or refer the request to the postal data center for preparation by computer.

### 263.3 LIMITATIONS

Do not furnish names for solicitation purposes, except as authorized by 263.11b.

### 263.4 INQUIRIES FROM TAXING AUTHORITIES

Refer any inquiries from taxing authorities concerning compensation or names of postal employees to the postal data center.

## Subchapter 270 DAMAGE OR LOSS OF GOVERNMENT PROPERTY

### Part 271

### BY EMPLOYEES

#### 271.1 ASSESSMENT OF EMPLOYEES

##### .11 WHEN TO ASSESS EMPLOYEES

When Government-owned (or leased) vehicles, firearms, or other property are lost or damaged as a result of gross carelessness or negligence of postal employees, and in the absence of extenuating circumstances, collect the full amount of the loss or damage from such employees (except as modified in 271.161). This includes labor, parts, and materials. However, when the Regional Director is of the opinion that a private party may file a lawsuit in tort as a consequence of severe personal injury or heavy property damage, action to collect for damage to postal property from the responsible postal employee will be postponed 2 years from the date of the accident. Do not institute any collection action in any case under investigation by the inspection service, pending receipt of a report of the facts determined by such investigation.

##### .12 GROSS CARELESSNESS OR NEGLIGENCE IN VEHICLE OPERATIONS

Gross carelessness or negligence may be involved when accidents result from:

- Backing into or driving into stationary objects.
- Rear end collisions resulting from following too closely.
- Runaway vehicles when ordinary braking precautions have not been taken.
- Serious or repeated violations of city, State, or postal vehicle regulations.
- Mechanical failure when condition of driver-owned vehicle was known to driver but not reported or repaired.
- Theft when driver left key in vehicle, except when driver is delivering or collecting mail in full view of the vehicle and would normally leave the motor running.
- Unlawful use of drugs or stimulants. (Use of drugs under a physician's care that might affect driving ability must be reported to the driver's immediate supervisor.)
- Use of intoxicants.
- Failure to take proper precautions in severe weather conditions.
- Traveling in excess of posted speed limits.

##### .13 DEFINING GROSS CARELESSNESS OR NEGLIGENCE

Generally, gross carelessness or negligence as applied to vehicle operations is defined as the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another, including the property of the Government; such as gross want of care and regard for the rights of others as to justify the presumption of willfulness and wantonness.

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